IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

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JUL 2 1 2005					

WAYNE MURPHY,)	ROBERT D. DENNIS, CLERK
Plaintiff,)	U.S. DIST. COURT, WESTERN DIST. OF OKLA BY
vs.)	No. CIV-04-1301-W
JO ANNE B. BARNHART, Commissioner of Social Security,)))	
Defendant.))	

ORDER

On June 29, 2005, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter and recommended that this Court reverse the decision of the defendant, Jo Anne B. Barnhart, Commissioner of Social Security ("Commissioner"), denying plaintiff Wayne Murphy disability insurance benefits. The parties were advised of their right to object to the Report and Recommendation, but neither party objected within the allotted time.

Upon de novo review of the record, the Court concurs that reversal of the Commissioner's decision as well as remand of this matter for further proceedings is warranted for the reasons stated by Magistrate Judge Bacharach.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation issued on June 29, 2005;
- (2) REVERSES the decision of the Commissioner denying Murphy's Application for Disability Insurance Benefits:
- (3) REMANDS this matter to the Commissioner for further proceedings in accordance with Magistrate Judge Bacharach's Report and Recommendation, and in

particular, DIRECTS the administrative law judge ("ALJ") upon remand to consider and explain the significance, if any, of a 1997 report written by Connie Teresi, M.D., that reflected her findings that Murphy had a T8 compression fracture and limited mobility as well as limited ability to sit or stand for long periods and her opinions that Murphy had been disabled since 1995 and had a poor prognosis and that it was likely this condition would continue for an additional one and one-half years;

- (4) DECLINES to consider the remaining challenges advanced by Murphy on the grounds that consideration by the ALJ of Dr. Teresi's opinions on remand may affect such challenges, including Murphy's arguments regarding the ALJ's assessment of Murphy's residual functional capacity and the ALJ's failure to adequately consider the opinion of James N. St. John, M.D.; and
 - (5) ORDERS that judgment in accordance with this Order issue forthwith. ENTERED this day of July, 2005.

LEE R. WEST

ÚNITED STATES DISTRICT JUDGE